

# The Orissa Gazette



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## LABOUR & EMPLOYMENT DEPARTMENT

### NOTIFICATION

The 28th April 2011

No. 4101—li/1 (B)-123/2000-LE.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 26th March 2011 in I. D. Case No. 237 of 2008 of the Presiding Officer, Industrial Tribunal, Bhubaneswar to whom the industrial disputes between the Management of the Managing Director, M/s Orissa Pump and Engineering Co., E-9, New Industrial Estate, Jagatpur, Dist. Cuttack and its workman Shri Prasanta Kumar Behera was referred to for adjudication is hereby published as in the Schedule below :

### SCHEDULE

INDUSTRIAL TRIBUNAL, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 237 of 2008

(Previously registered as I. D. Case No. 130 of 2000 in the file of the  
Presiding Officer, Labour Court, Bhubaneswar)

The 26th March 2011

*Present :*

Shri Raghbir Dash, O.S.J.S. (Sr. Branch),  
Presiding Officer, Industrial Tribunal,  
Bhubaneswar.

*Between :*

The Managing Director, .. First-party—Managements  
M/s Orissa Pump and Engineering Co.,  
E-9, New Industrial Estate, Jagatpur,  
Dist. Cuttack-754021.

The Managing Director,  
Orissa Small Industries Corporation,  
Madhupatna, Cuttack.

And

Shri Prasanta Kumar Behera, .. Second-party—Workman  
C/o Dayanidhi Behera,  
Near Bidanasi Police Station,  
Tulasipur, Mathasahi, Cuttack.

**Appearances :**

Shri Bibhuti Bhusan Acharya, Assistant Manager (Admn. & M.R.)	.. For the First-party—Managements
Shri Prasanta Kumar Behera	.. Second-party—Workman himself

**AWARD**

This is a reference under Section 10 of the Industrial Disputes Act, 1947 (for short the 'Act') made by the Government of Orissa in Labour & Employment Department vide their Order No. 12304—li/1 (B)-123/2000-LE., Dt. 21-9-2000 which was originally referred to the Presiding Officer, Labour Court, Bhubaneswar for adjudication but subsequently transferred to this Tribunal for adjudication vide Labour & Employment Department's Order No. 4138—li/21-32/2007-LE., Dt. 4-4-2008.

The Schedule of reference runs as follows —

"Whether the termination of the services of Shri Prasanta Kumar Behera, Junior Assistant by the management of M/s Orissa Pump and Engineering Company, E-9, New Industrial Estate, Jagatpur, Cuttack-754021 is legal and/or justified ? If not, to what relief Shri Behera is entitled ?"

2. On 16-3-2011 to which date the case was posted for filing Memorandum of Settlement, the representative of the management and so also the workman being present in the Court filed a Memorandum of Settlement drawn up in Form-K and submitted that in terms of the settlement the dispute has already been settled between them amicably and as such an Award in terms thereof may be passed.

The terms and conditions embodied in the settlement are read over to the parties and they admit the same to have been arrived at after due deliberation. Keeping in view the fact that the parties to the "lis" have already settled their dispute and accordingly filed the settlement in Form-K, an Award is passed in terms of such settlement, which do form part of the Award.

Dictated and corrected by me.

RAGHUBIR DASH  
26-3-2011  
Presiding Officer  
Industrial Tribunal  
Bhubaneswar

RAGHUBIR DASH  
26-3-2011  
Presiding Officer  
Industrial Tribunal  
Bhubaneswar

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By order of the Governor

P. K. PANDA  
Under-Secretary to Government

**THE ORISSA INDUSTRIAL DISPUTES RULES, 1959**

**FORM-K**

(See Rule 64)

**MEMORANDUM OF SETTLEMENT**

**NAME OF PARTIES :**

Representing Employer of Management of M/s Orissa Pump and Engineering Company Ltd. (O.P.E.C. Udyog Ltd.) through its Authorised Representative Shri Bibhuti Bhushan Acharya, s/o Baishnab Ch. Acharya, Assistant Manager, Admn. & M.R., O.P.E.C. Udyog Pvt. Ltd.

AND

Representing workman Shri Prasanta Kumar Behera, aged about 50 years, son of Dayanidhi Behera, at present residing at Bidanasi Thana Lane, Tulasipur, Mathasahi, P.O. Tulasipur, P.S. Bidanasi, Dist. Cuttack-1, ex-employee under the Management of M/s Orissa Pump and Engineering Company Ltd.

**SHORT RECITAL OF THE CASE**

WHEREAS, the said workman Shri Prasanta Kumar Behera (hereinafter referred to as workman) has raised an industrial dispute concerning his termination of service by M/s Orissa Pump and Engineering Company Ltd. (hereinafter referred to as Management) praying for his reinstatement in service with back wages and with all consequential service benefits and whereas the said dispute is referred to the Court of Hon'ble Presiding Officer, Labour Court, Bhubaneswar and subsequently transferred to the Presiding Officer, Industrial Tribunal, Bhubaneswar under the I. D. Case No. 237 of 2008 and pending adjudication.

AND WHEREAS, both the parties have negotiated from time to time for an amicable settlement of the industrial dispute and as a result of the discussions, both the parties have agreed upon the following terms and conditions :

**TERMS AND CONDITIONS**

1. That, the management agrees to pay a lump sum amount of Rs 35,000 (Rupees Thirty-five thousand) only to Shri Prasanta Kumar Behera (workman), by way of Cheque No.581607, Dt. 16-3-2011 towards the full and final settlement of all his claim arising out of the present industrial dispute case and the workman agrees to receive the said amount to his entire satisfaction without any further claim upon the Management arising out of such termination of service except the amount of gratuity and provident fund.
2. That in consideration of the payment of the amount as mentioned in paragraph 1 above by the Management and the receipt of the said amount by the workman, the workman shall not claim either reinstatement or re-employment against the management except the amount of gratuity which was provisioned with the Life Insurance Corporation and the Provident Fund dues which was deposited with the Regional Provident Fund Commissioner, Bhubaneswar. The workman would receive the amount of gratuity from the Life Insurance

Corporation and the Provident Fund dues from the Regional Provident Fund Commissioner, Bhubaneswar for which the 1st-party management is under obligation to sign/give the endorsement/consent/no objection in the prescribed format stating the date of deemed termination of service of workman as 27-10-1999.

3. That on payment of the aforesaid amount in full and final settlement of all claim of the workman, there remains no dispute whatsoever between the parties from this day onwards and the workman has settled all his disputes/claims with the Management under this agreement.
4. That there stands no other due whatsoever to the said workman from the management of M/s Orissa Pump and Engineering Company Ltd. and the workman shall have no claim/demand/dispute or grievance whatsoever with the Management on the said account except the amount of gratuity and provident fund dues.
5. That, it is further agreed between the parties to submit this Memorandum of Settlement before the Presiding Officer, Industrial Tribunal, Bhubaneswar in I. D. Case No. 237 of 2008 as a measure of mutual settlement so as to settle the said I. D. case in terms of the present settlement.

IN WITNESS WHEREOF both the parties append their signatures having accepted the above terms and conditions.

For & on behalf of Managements

Witnesses

1. S. Dash

Advocate for 2nd party

BIBHUTI BHUSAN ACHARYA

Authorised Representative

2. Sidheswar Mohanty

Advocate for 1st party managements

Prasanta Ku. Behera

For Applicant

(Prasanta Kumar Behera)

Workman